

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	EXAMINER	ART UNIT
09/886,327	06/21/2001	McEwen, J.	1077-023-PWH	BUI, V. Q.	3734

TITLE: *Matching Limb Protection Sleeve for Tourniquet Cuff*

REPLY BRIEF (2ND FILING)

COMMISSIONER FOR PATENTS

This is a second filing of a reply to the Office Action mailed April 5, 2006.

This application was filed June 21, 2001. On June 30, 2004 –after the claims in the application had been rejected at least twice –a Notice of Appeal was filed.

Appellant points out that 37 CFR § 41.31 (a) provides an applicant's right to appeal once claims have been twice rejected.

An Appeal Brief was timely filed on October 14, 2004. After being advised by the Examiner that no Appeal Brief had been received, Appellant filed the Brief again (December 10, 2004), along with evidence of the timely first submittal under 37 CFR § 1.8(b).

The Office has yet to respond to the Appeal Brief. Appellant filed on September 12, 2005 a Status Inquiry advising the Office that an Appeal Brief had been filed. That inquiry also requested information about the status of this matter.

The April 5, 2006 Office action is purported to be responsive to the September 12, 2005 Status Inquiry (rather than the Appeal Brief). The Office Action was not designated as an Examiner's Answer nor were new grounds of rejection identified. The application has not been allowed. Appellant has no reason to believe that an appeal conference has been conducted.

Appellant hereby respectfully requests that the Appeal Brief in this matter be fully considered so that this prosecution may proceed without further delay.

Respectfully submitted,
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